



Provisions for Rebuilding Nonconforming Dwelling Units In Residential Zones

WHAT IS A NONCONFORMING DWELLING UNIT?

A nonconforming dwelling unit is an existing and legally established dwelling unit that no longer conforms to the development standards required by the City's Zoning Code or is located in a district where it is no longer permitted.

UNINTENTIONAL DESTRUCTION

IF MY NONCONFORMING UNIT IS DESTROYED BY FIRE OR SIMILAR UNINTENTIONAL MEANS, CAN I REBUILD IT?

If a nonconforming dwelling unit, in any residential zone, is destroyed unintentionally by any means, to any extent, the damage may be restored and the occupancy continued or resumed provided that the restoration is of an equal or lesser degree of nonconformity.

The reconstruction of a nonconforming unit must be started within a period of one year and carried out diligently to completion. For good cause, the Development Services Director may grant an extension of time to start the restoration.

VOLUNTARY DESTRUCTION

IF I WANT TO TEAR DOWN MY NONCONFORMING UNIT, CAN I REBUILD IT?

Single-Family Zone: In the R1 zone if a nonconforming dwelling unit is voluntarily demolished, reconstruction can only occur in conformance with current zoning density requirements; i.e., one dwelling unit per parcel with the exception of the approval of a granny unit or accessory apartment.

Multi-Family Zones: If nonconforming dwelling units in the R2-MD, R2-HD, R3, or PDR zones are voluntarily demolished, an equal or lesser number of units may be rebuilt so long as the development complies with all applicable sections of the City's Zoning Code and other codes. This includes but is not limited to the following development standards: building setbacks, lot coverage, building height, open space, and landscaping.

The actual number of units that can be rebuilt is limited to the density established in the 1990 General Plan plus the applicable number of incentive bonus units. In the Medium Density Residential category a 25% incentive bonus is allowed, and in the High Density Residential category a 50% incentive bonus is allowed. However, in no instance shall the new total number of units exceed the total number of units that were allowed by the 1980 General Plan on March 15, 1992. (See page 4) Examples of this formula are given on the following page.

Example 1- High Density Residential:

Original Development:	8 units
1980 General Plan Allowed:	8 units
1990 General Plan Allowed:	6 units
50% Incentive Bonus:	3 units
Maximum Building Potential:	8 units

50% incentive bonus allows for **9** units (original 6 units allowable + 3 units due to 50% incentive bonus).

Original development and the 1980 General Plan allowed a maximum of **8** units, therefore, the maximum allowable units is **8** (the lesser of 9 and 8).

Example 2- Medium Density Residential:

Original Development:	12 units
1980 General Plan Allowed:	11 units
1990 General Plan Allowed:	8 units
25% Incentive Bonus:	2 units
Maximum Building Potential:	10 units

25% incentive bonus allows for **10** units (original 8 units allowable + 2 units due to 25% incentive bonus*).

Original development was **12**, but the 1980 General Plan allowed for **11**, therefore, the maximum allowable units are **10** (the lesser of 10 and 11).

*When determining incentive bonuses, the number of additional units is always rounded down.

MASTER PLAN PROCESS

WHAT IF I CANNOT MEET ALL OF TODAY'S ZONING STANDARDS WHEN REBUILDING?

Consideration may be given through the Master Plan process, to allow rebuilding of nonconforming multi-family residential projects that do not fully meet all applicable sections of the City's Zoning Code and other codes. The Master Plan process is discretionary review process with the Planning Commission being the final decision-making body. Applications and processing fee information can be obtained from the Planning Division.

The Planning Commission must make the following findings in order to approve a Master Plan:

- Full compliance with current development standards would make rebuilding infeasible.
- The proposed rebuilding is substantially compatible with surrounding developments and would not be materially detrimental to other properties in the area.
- The proposed rebuilding is less nonconforming than the existing development.
- The proposed rebuilding provides **additional amenities** that ensure a high quality development. (See following page for a list of additional amenities).

ADDITIONAL AMENITIES

In exchange for any deviation from current standards, the project must provide additional amenities such as those listed below:

- Provision of garages instead of carports for greater security.
- Useable open space with amenities.
- Flowerbeds and adequate lawns of sufficient area to create a useable recreation area.
- Individual vegetable garden areas screened by hedges.
- Masonry planters, potted flowers and shrubs on decks and balcony flower boxes.
- Trellises with vines.
- Minimum size trees based on box size rather than gallons such that 30% or more of the trees are a minimum 24-inch box size.
- CC&Rs to ensure landscape maintenance.
- On-site manager for projects of 15 units or less.
- Awnings, especially along the front for color and product definition, and better façade.
- Stamped concrete or decorative at entrances and critical driveway intersections.
- Meandering rather than straight sidewalks.
- Terraced elevations at all sides to reduce scale and massing.
- Upgraded windows and doors for noise reduction.
- Covered/screened dumpsters for projects of 4 units or less.
- Concrete slab where the trash truck would stop to compact trash to prevent damage, or contract for roll-off service so that the trash truck does not come onsite.
- Orientation of units away from street toward interior courtyards.
- Adequate lighting for security (beyond parking driveway lighting required by code).
- Gates and Intercom system for security.
- Other amenities that enhance the project and the overall neighborhood.
- Consideration shall be given to the provision of tandem parking for units requiring more than one dedicated parking space and for cantilevered second-story living areas over drive or yard areas.

1980 GENERAL PLAN DENSITIES BY ZONING DISTRICT

R1	1 unit/parcel (minimum 6,000 square feet in size)
R2	1 unit/3000 SF of parcel area
R3	1 unit/2000 SF of parcel area
R4	1 unit/1500 SF of parcel area

1990 /2000 GENERAL PLAN DENSITIES BY ZONING DISTRICT

(Adopted on March 16, 1992 and January 22, 2002, respectively)

R1	1 unit/parcel (minimum 6,000 square feet in size)
R2-MD	1 unit/3630 SF of parcel area
R2-HD	1 unit/3000 SF of parcel area
R3	1 unit/2178 SF of parcel area
R4	eliminated

City of Costa Mesa Planning Division
77 Fair Drive, Costa Mesa, California 92626
Telephone- (714) 754-5245
Fax- (714) 754-4856
www.ci.costa-mesa.ca.us

